

Entered on Docket  
March 10, 2020  
EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 KASOWITZ BENSON TORRES LLP  
2 MARGARET ZIEMIANEK (SBN 233418)  
3 *mziemianek@kasowitz.com*  
4 EDWARD E. SHAPIRO (SBN 326182)  
5 *eshapiro@kasowitz.com*  
6 101 California Street, Suite 3000  
7 San Francisco, California 94111  
8 Telephone: (415) 421-6140  
9 Facsimile: (415) 398-5030

10 KASOWITZ BENSON TORRES LLP  
11 ROBERT M. NOVICK (*PRO HAC VICE*)  
12 *rnovick@kasowitz.com*  
13 1633 Broadway, 21<sup>st</sup> Floor  
14 New York, New York 10019  
15 Telephone: (212) 506-1700  
16 Facsimile: (212) 506-1800

17 Attorneys for Plaintiff Leap Tide Capital Management, LLC

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

20 In re

21 Case No. 18-CV-04002-CRB

22 DIADEXUS, INC.,

23 (Bk. No. 16-30654-HLB – Ch. 7)

24 Debtor.

25 LEAP TIDE CAPITAL MANAGEMENT,  
26 LLC,

27 **STIPULATION OF DISMISSAL WITH  
28 PREJUDICE : ORDER**

29 Plaintiff,

30 Hon. Charles R. Breyer

31 vs.

32 LORI RAFIELD; LEONE PATTERSON;  
33 ELIZABETH HUTT POLLARD; JAMES R.  
34 SULAT; JOHN J. SPERZEL; KAREN  
35 DREXLER; and JOHN T. CURNUTTE,

36 Defendants.

37

38

39

40

41

42

43

44 18-CV-04002-CRB  
45 *Stipulation of Dismissal*

1 By and through their respective undersigned counsel, Plaintiff Leap Tide Capital Management,  
2 LLC (“Plaintiff”) and current and former defendants Leone Patterson, Kenneth C. Fang, Adeoye  
3 Olukotun, Elizabeth Hutt Pollard, James R. Sulat, John J. Sperzel, John T. Curnutte, Karen Drexler and  
4 Lori Rafield (“Defendants”) hereby stipulate and agree as follows:

5 WHEREAS, the parties have agreed to a settlement of this matter;

6 PLAINTIFF AND DEFENDANTS HEREBY STIPULATE, by and through their respective  
7 counsel of record, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), to dismiss the above-  
8 captioned matter with prejudice. This stipulation and dismissal terminates the above-captioned action  
9 against all parties. Each party shall bear its own costs and attorneys' fees.

10 | Respectfully submitted,

11 | Dated: March 5, 2020

## KASOWITZ BENSON TORRES LLP

12 By: /s/ Robert M. Novick  
Robert M. Novick

14 1633 Broadway  
15 New York, NY 10019  
Telephone: 212.506.1700  
Facsimile: 212.506.1800

*Attorneys for Plaintiff*

18 | Dated: March 5, 2020

FENWICK & WEST LLP

By: /s/ Susan S. Muck  
Susan S. Muck

555 California Street, 12th Floor  
San Francisco, CA 94104  
Telephone: 415.875.2300  
Facsimile: 415.281.1350

*Attorneys for Defendants*

1 Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this stipulation.

2 Dated: March 5, 2020

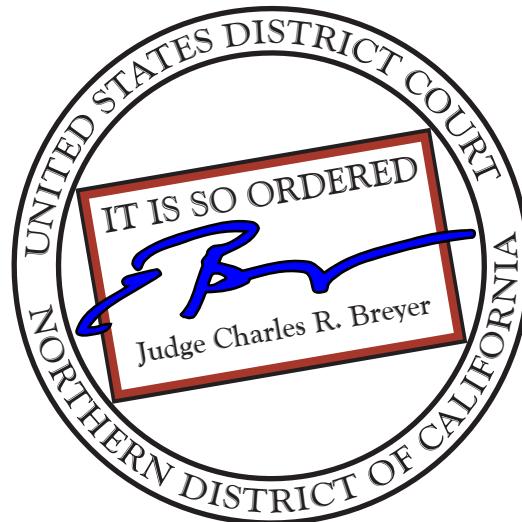
KASOWITZ BENSON TORRES LLP

3 By: /s/ Robert M. Novick  
4 Robert M. Novick

5 1633 Broadway  
6 New York, NY 10019  
7 Telephone: 212.506.1700  
8 Facsimile: 212.506.1800

9 *Attorneys for Plaintiff*

10 Date: March 9, 2020



11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28